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Private sector ups pressure on President Granger

By *Stabroek News* On July 18, 2019 @ 2:20 am In Guyana News |

Criticising President David Granger for actions taken since the Caribbean Court of Justice (CCJ) found that the December 21, 2018 no-confidence motion against his government was valid, the Private Sector Commission (PSC) yesterday called on him to act in accordance with the court's rulings.

In a strongly-worded statement, the PSC took the President to task and said that his actions such as announcing that Cabinet continues to function are "unacceptable." The private sector organisation further accused Granger of putting at risk all private sector entities and other organisations made subject to contracts and any other action authorised by the Cabinet.

Last Friday, the CCJ delivered several orders consequent to its June 18th decisions in relation to the December 21 no-confidence vote. According to the court, upon the passage of the motion of no-confidence in the government, the clear provisions of Article 106 (6) of the Constitution immediately became engaged.

It further noted that the meaning of Article 106(6) and 106 (7) is clear and it is the responsibility of constitutional actors in Guyana to honour them.

"Upon the passage of a vote of no confidence, the Article requires the resignation of the Cabinet including the President. The Article goes on to state, among other things, that notwithstanding such resignation the Government shall remain in office and that an election will be held within 3 months or such longer period that the National Assembly by resolution supported by not less than two-thirds of the votes of all elected members of the National Assembly ..." the court stated, adding that "the Guyana Elections Commission has that responsibility to conduct that elections and GECOM too must abide by the provisions of the Constitution."

In delivering the order, Justice Adrian Saunders had expressed the hope that "bodies and personages will exercise their responsibilities with integrity and in keeping with the unambiguous provisions of the Constitution bearing in mind that the no-confidence motion was validly passed as long ago as 21 December 2018."

Most serious consideration

In its statement yesterday, the PSC said that it has given the most serious consideration to the CCJ judgment and observed that it was delivered just under seven months since the vote of no-confidence was passed in the National Assembly. "During this period, our country has been forced to stand in waiting, our economy, investment and the business of the country made to suffer, while a general environment of uncertainty has prevailed across the country," it said.

The statement added that the necessity that the President and the Leader of the Opposition, as urged by the international community, uphold the rule of law and respect the Constitution to avoid the consequences of confusion or possible chaos in the country, informs the PSC's position.

Noting that the CCJ has confirmed the validity of the no-confidence vote and has emphasised that "the rule of law in Guyana rests in large measure with the conduct of the various branches of government, that is, the President and the Cabinet, the Parliament and the Judiciary" and has also called upon the government to "be faithful to the spirit and letter of the Constitution and operate within the parameters given to each by the Constitution," the PSC said that the CCJ has made plain that the provisions of the Constitution and "their meaning is clear", and the Court holds that "it is the responsibility of constitutional actors in Guyana to honour them."

The statement said that it is the considered view of the private sector that this responsibility abides first, and foremost, with Granger and "it is his bounden and inherent political duty to uphold this responsibility."

According to the PSC, the CCJ has quite properly restrained itself from "the issuance of coercive orders or detailed directives" to the national leaders but asserted that it is for the President and the Leader of the Opposition "guided by the constitutional imperatives" to ensure that the consequences of the no-confidence motion are imposed upon the government.

The statement further noted that the CCJ had also ruled that the unilateral appointment by Granger of the Chairman of GECOM was "flawed" and the PSC called on him to act expeditiously in fulfilling his constitutional responsibility in this regard.

The private sector body said that once the GECOM Chairman has been appointed, it is incumbent upon GECOM to prepare itself for the holding of elections within the period prescribed in the Constitution.

Further, it added, "The Private Sector Commission wishes to remind President Granger that the Court, in its declaration and orders, has stated that 'upon the passage of the motion of No Confidence in the government' on the 21st December 2018, 'that clear provisions of Article 106 immediately become engaged,' that is, that 'the Cabinet, including the President, shall resign if the government is defeated.' It is totally unacceptable, therefore, to the Commission that the President has refused to honour the Constitution in announcing that the Cabinet shall continue to function."

The statement pointed out that the CCJ has stated that "by convention the government is expected to behave during this interim period as a caretaker and so restrain the exercise of its legal authority."

It said that it is the PSC's view that the President, "by his behaviour, has put at risk all private sector entities and other organisations made subject to contracts and any other action authorised by the Cabinet, by presuming them to be legal." It said that the PSC has advised its members to seek legal advice in this regard.

"The Private Sector Commission, of course, recognises, as stated in the Constitution at Article 106 (7), that 'the government shall remain in office' until such time as National and Regional Elections are held, but urges upon the President that he recognise and understand that it cannot be business as usual and that, as the CCJ has judged, his government 'is on a different footing from that which existed prior to the vote of No Confidence'", the statement said.

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